

FILED

JAN 14 2020

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

**Clerk, U.S. Courts
District Of Montana
Missoula Division**

LLOYD SCOTT MAIER,

Plaintiff,

vs.

**ALVIN FODY, SUSAN HOCHING,
BILL MILLER, STEVE BULLOCK,
BOBBIE BRUHA, UNKNOWN R.B.
NO. 7, and UNKNOWN INFIRMARY
WORKER,**

Defendants.

CV 19-76-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations on January 13, 2020, recommending that the Court enter orders to reflect that Plaintiff Lloyd Scott Maier is subject to the three strikes provision of 28 U.S.C. § 1915(g). Maier is not entitled to a fourteen-day objection period, and so this Court reviews for clear error. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998); *Thomas v. Arn*, 474 U.S. 140, 149–53 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been made.” *Wash. Mut., Inc. v. United States*, 856 F.3d 711, 721 (9th Cir. 2017) (citation omitted).

Having reviewed the Findings and Recommendations (Doc. 4), the Court finds no clear error in Judge Johnston's reasoning or recommendations. Maier cannot circumvent the three-strikes rule by paying the filing fee in installments, and he has not alleged facts demonstrating that he is in "imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

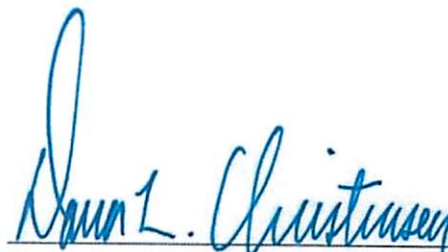
Accordingly, IT IS ORDERED:

(1) Judge Johnston's Findings and Recommendations (Doc. 4) is ADOPTED IN FULL;

(2) Maier's Motion to Collect Fees (Doc. 3) is DENIED, and Maier may not proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g);

(3) The Clerk of Court shall close this case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure if Maier does not pay the entire \$400.00 filing fee within thirty days of the date of this Order. Should Maier fail to pay the entire filing fee, the Clerk of Court shall return all funds received from Maier in regard to this case.

DATED this 14th day of January, 2020.



Dana L. Christensen, Chief District Judge
United States District Court